

IFW

5031.1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Joseph C. DiNardo et al.  
Serial No.: 10/825,265 Confirmation No.: 8306  
Filed: 04/15/2004  
For: **METHOD AND PREPARATION FOR REDUCING  
SUNBURN CELL FORMATION IN SKIN**  
Examiner: (Not yet known)  
Art Unit: 1617  
Customer No.: 23280

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 6, 2004

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:


In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application. While the references are being submitted herewith, some or all of the references may not constitute prior art under the U.S. patent laws.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (b), before the mailing date of a First Office Action, therefore no fee is believed due. In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

5031.1001

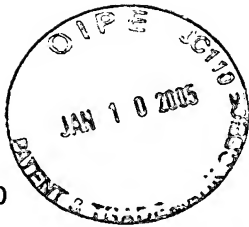
It is respectfully requested that the references cited in the accompanying PTO-1449 form be considered and made of record. It is respectfully submitted that the pending claims are patentable over all of the references made of record at this time.

Respectfully Submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Erik R. Swanson  
Reg. No. 40,833

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



In re application of: Joseph C. DiNardo et al.  
Serial No.: 10/825,265  
Filed: 04/15/2004  
For: METHOD AND PREPARATION FOR REDUCING SUNBURN CELL FORMATION IN SKIN  
S i r:

Transmitted herewith is a **Supplemental Information Disclosure Statement (2 pages) with PTO-1449 (1 page), and cited references** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	PREVIOUSLY	PRESENT	RATE	FEE		RATE	FEE
	AFTER								
	AMENDMENT	PAID FOR		EXTRA					
TOTAL CLAIMS	* MINUS 20	=		0	x \$ 25	\$		x \$ 50	\$
INDEP. CLAIMS	* MINUS 3	=		0	x \$ 100	\$		x \$ 200	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$ 180	\$		+ \$ 360	\$
TOTAL: \$					OR		TOTAL: \$		

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☐ Other:  
☐ Check(s) in the amount of \$ is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☐ Other:  
☐ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.  
☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
 Erik R. Swanson, Reg. No. 40,833  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 Seventh Avenue, 14<sup>th</sup> Floor  
 New York, New York 10018  
 Tel: (212) 736-1940  
 Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 01/06/05.  
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
 Oliver Platz

FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

5031.1001

APPLICATION NO

10/825,265

## LIST OF PRIOR ART CITED BY APPLICANT

APPLICANT

Joseph C. DiNardo et al.

FILING DATE

04/15/2004

GROUP

1617

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A01						
	A02						
	A03						
	A04						
	A05						
	A06						
	A07						
	A08						
	A09						
	A10						
	A11						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	A12							
	A13							
	A14							
	A15							
	A16							
	A17							
	A18							
	A19							

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

A20	Wieland, Eberhard et al., "Idebenone protects hepatic microsomes against oxygen radical-mediated damage in organ preservation solutions", Transplantation Vol. 60, No. 5, September 15, 1995, pp. 444-451
A21	
A22	
A23	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.